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Committee on the Rights of the Child
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Consideration of reports of States parties

List of issues in relation to the report submitted by the United Kingdom of Great Britain and Northern Ireland under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues*

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* The present document is being issued without formal editing.

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I. Introduction

1. The Optional Protocol supplements the United Nations Convention on the Rights of the Child by providing States with detailed requirements to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes such as other forms of forced labour, illegal adoption and organ donation. The Protocol provides definitions for the offences of sale of children, child prostitution and child pornography. It also creates obligations on Governments to criminalise and punish the activities related to these offences. It requires punishment not only for those offering or delivering children for the purposes of sexual exploitation, transfer of organs or children for profit or forced labour, but also for anyone accepting the child for these activities.

2. The Optional Protocol also protects the rights and interests of child victims. Governments must provide legal and other support services to child victims. This obligation includes considering the best interests of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration.

3. The United Kingdom signed the Optional Protocol on 7 September 2000 and ratified it on 20 February 2009. Under article 12 of the Optional Protocol, each State party, following ratification, must submit a report to the United Nations providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Our report submitted in 2011 outlined in detail the progress made by the United Kingdom on a number of key child protection issues since ratification in 2009.

4. The United Nations has responded to the initial report with a list of 11 questions, the responses to which will assist the committee in its examination of the Optional Protocol.

5. The Home Office is the lead UK Government Department with responsibility for preparing the response in relation to the Optional Protocol. The response that follows gives detailed answers to the 11 questions raised. In doing so it provides a UK perspective based on responses from Government Departments covering England and Wales, alongside data from the devolved administrations including Wales, Scotland and Northern Ireland, in addition to the Crown Dependencies and the Overseas Territories.

II. Replies to the list of issues

1. Please provide statistical data, including in the Overseas Territories and Crown Dependencies, disaggregated by sex, age, socio-economic background, ethnic group and urban and rural residence for 2011, 2012 and 2013 on:

(a) Reports of sale of children (disaggregated by the purpose of the sale) child prostitution and child pornography, together with information on the action taken in response to these reports and penalties imposed;

(b) The number of child victims provided with recovery assistance and having received compensation in accordance with article 9, paragraphs 3 and 4, of the Optional Protocol.

6. There is a preference in the UK to use the term indecent images of children or child abuse imagery in place of the term "child pornography", the term we understand is preferred by the Commission and Protocol. Pornography can only be viewed legally in the UK by those over the age of 18. However, child abuse imagery is illegal and the UK leads a global consensus to tackle its creation and dissemination.

England and Wales

7. Both the Home Office and Ministry of Justice collect data on child protection within England and Wales. The statistical data of most relevance to this request is produced within a table by Home Office statistics and relates to the number of offences recorded by the Police. This information is published by the Office for National Statistics (ONS) as table A4 in their quarterly release and the most recent one is available from http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-september-2013/stb-crime-in-england-and-wales--year-ending-sept-2013.html.

8. Whereas the Home Office does not hold any available statistics on the number of child victims provided with recovery assistance or having received compensation, it does have figures available for a range of offences which cover children. As set out in the ONS quarterly release mentioned above, relevant offences include abuse of children through prostitution and pornography, rape, sexual assault and sexual activity with children and sexual grooming amongst others.

9. The figures collected by the Ministry of Justice relate to people prosecuted and convicted in court. This naturally includes figures for those convicted of engaging in child prostitution and child pornography – which can be disaggregated by sex, age and ethnicity of the prosecuted/convicted person at the time of conviction. Figures broken down by broad age category and sex of the victim are shown at Annex A.

10. A recent report by the Inter-Departmental Ministerial Group on Human Trafficking contained data on those children trafficked into and within the UK for sexual exploitation. It can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment data/file/118116/human-trafficking-report.pdf.

11. The Ministry of Justice does not at this stage collect human trafficking data broken down by age, and it is therefore not possible to disaggregate the sale of children from the sale of adults.

12. The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support. The NRM is also the mechanism through which the UKHTC collects data about victims. This information contributes to building a clearer picture about the scale of human trafficking in the UK.

13. Figures published by the National Crime Agency in February 2014, relating to referrals to the NRM during 2013, show that:

- 1,746 people from 112 different countries were highlighted as potential victims of trafficking, up 47% on the previous year;
- Nearly two thirds of those referred were female (1,122) and around a quarter (450) were children;
- 56 minors who are from the UK were flagged as potential victims of trafficking for sexual exploitation in 2013, a rise of 155% on the previous year. The number of foreign children identified as being at risk also rose by 11%, to 88. For children the most common nationality or country of origin was Vietnam, followed by the UK then Albania.

Scotland

14. The Scottish Government's Analytical Services collects data on the numbers of persons convicted of sexual offences against children. These are set out in Annexes B and C. With the exception of sections 9 and 12 of the Protection of Children and Prevention of Sexual Offences (S) Act 2005, it is not at this stage possible to identify separately which

figures relate to the sexual abuse of children through prostitution or pornography, as distinct from the sexual abuse of children more generally.

Northern Ireland

15. Under the Children (NI) Order 1995, the relevant Health and Social Care (HSC) Trust is responsible for the care and protection of all children and young people who are confirmed or suspected victims of human trafficking.

16. The Health and Social Care Board (HSCB) commenced a formal system of data collection on trafficked children in April 2012. The figures collected are restricted to separated children/trafficked children who enter NI through international borders only. The figures do not cover children who have been subject to internal trafficking. Data is submitted by HSC Trusts to the HSCB on a quarterly period from that date. On that basis data is available for the full year April 2012 – March 2013.

17. This data shows the number of separated / trafficked children who are under the care and protection of the Trusts. It does not however show whether these are children who have been sold or prostituted; the HSCB does not collate statistics on crime. This information is collected by the Department of Justice (DoJ).

18. There were no separated children reported to the HSCB for the period 1 January 2013 – March 2013 hence the total figure remains the same – i.e. 12.

19. Between 1 April 2011 and 8 January 2014, 28 child potential victims of human trafficking were referred to the National Referral Mechanism (NRM). These statistics have been obtained through records held by the UK Human Trafficking Centre (UKHTC) and relate only to potential victims referred to the NRM process.

20. The Crown Dependencies and Overseas Territories are covered following question 11.

2. *Please indicate whether the State party has established mechanisms and procedures for collecting, analysing and evaluating disaggregated data on the sale of children, child prostitution and child pornography in England, Wales, Scotland and Northern Ireland as well as in the Overseas Territories and Crown Dependencies.*

21. Home Office Statistics are moving to a model which collects information via a HO datahub, which will provide individual record level data for each offence. However it is not currently possible to disaggregate these figures by sex, age, socio-economic background, ethnic group and urban/rural residence for the police forces of England and Wales. That said, in future it may be possible to breakdown the data by age and sex of victim by police force, however this is contingent on the outcomes of a feasibility quality assurance exercise. Our current focus is on getting as many forces as possible delivering data via the Datahub before incorporating and quality assuring the additional collections.

22. The NRM is also the mechanism through which the UKHTC collects data about victims. The information collected through the NRM contributes to building a clearer picture about the scale of human trafficking in the UK and thus informs effective policy making.

23. In the relation to the sale of children, the Scottish Government is not aware of any specific criminal offence concerning the buying or selling of children (though if it was done as the prelude to exploiting the child, it would probably constitute a human trafficking offence).

24. The Crown Dependencies and Overseas Territories are covered following question 11.

3. *Please provide information on the human financial and technical resources allocated for the implementation of the Optional Protocol in the United Kingdom of Great Britain and Northern Ireland, including for the Child Exploitation and Online Protection Centre.*

25. The Child Exploitation and Online Protection (CEOP) Centre became one of the four Commands of the National Crime Agency (NCA) in October 2013.

26. The NCA has a budget from HM Treasury in 14/15 of £418 million Resource and £46m Capital. In addition it is also able to draw on sources of funding for particular work, for example from the Foreign Office, Cabinet Office and Department for International Development.

27. The NCA is best-placed to decide how best to allocate its budget to ensure it is able to tackle the various forms of serious and organised crime for which it is responsible, including combating child sexual exploitation. Within the NCA, the main responsibility for tackling online child abuse images lies within the CEOP Command.

28. As a fully integrated Command within the National Crime Agency, the NCA-CEOP Command can draw on support and resources from other NCA specialist functions, such as the Agency's enhanced intelligence capability, the National Cyber Crime Unit, the Border Policing Command, and the international network; as well as leveraging greater influence through the NCA's national leadership role across law enforcement.

4. *In view of the fact that the Child Exploitation and Online Protection Centre (CEOP) has been incorporated as one of the four operational commands of the National Crime Agency (NCA), an agency focused on dealing with organised crime, please provide detailed information on the operation of CEOP in Northern Ireland, particularly in relation to the recent concerns regarding the NCA's ability to operate fully in Northern Ireland.*

29. The NCA-CEOP Command has the remit of preventing and tackling child sexual exploitation, in the online and offline environments. The Command also has responsibility for missing children. Its primary aim is to protect children from sexual exploitation and abuse, adding value to the efforts of UK law enforcement, children's services, voluntary bodies, industry partners and others through knowledge and leadership, coordination and specialist support.

30. The absence of a Legislative Consent Motion (LCM) from the Northern Ireland Executive means that the NCA is not fully operational in NI. The Agency's remit to tackle serious and organised crime is limited to excepted and reserved matters which include customs offences, immigration crime and some asset recovery work, in collaboration with the PSNI and other NI enforcement partners.[1] Further, NCA officers cannot be designated with the powers of a constable in NI. They can still be designated with the powers of a customs officer and the powers of an immigration officer and it is through the exercise of these powers that the NCA seeks to make a meaningful contribution in the fight to cut serious and organised crime in NI.

31. The NCA is ready and willing to support PSNI through its operational assets in England, Wales and Scotland, and overseas through its international liaison officer network. However, the NCA's inability to operate fully in NI increases pressure on PSNI

[1] The Northern Ireland Executive did not agree to take forward a legislative consent motion for the Agency in Northern Ireland and as a result there are restrictions on the Agency's powers and activities in Northern Ireland. Part 1 of the Crime and Courts Act 2013 is subject to Schedule 24 (The NCA: Northern Ireland) and the Agency's functions under the Proceeds of Crime Act are subject to the National Crime Agency (Limitation of extension to Northern Ireland) Order 2013.

operational capabilities and reduces the NCA's ability to fully support the local police service in tackling CSE.

32. On 31 March the NCA published the NCA Commitment to Working in Partnership with UK Operational Partners, which sets out how the Agency will work closely with all partners, including the PSNI, to tackle serious and organised crime.

33. The NCA's international focus supports increased close-working with overseas law enforcement, particularly in key source countries of human trafficking to the UK. Country Plans for Nigeria, China, Vietnam, Poland, Romania, Slovakia, Lithuania, Albania and Hungary will include targeted activity - involving governmental and NGO partners in-country - to raise public awareness of modern slavery and human trafficking risks. This is being undertaken in collaboration with the Foreign and Commonwealth Office.

5. *Please indicate the progress made by the State party in implementing the recommendations in the "Accelerated Report" of the Child Sexual Exploitation in Gangs and Groups (CSEGG) Inquiry by the Office of the Children's Commissioner. Please also provide further details on preventive measures which have been taken to protect children in vulnerable situations, such as children in contact with or linked to gang members or groups (particularly in England), children in street situations, migrant children, irregular migrant children and children living in institutions, from offences under the Optional Protocol.*

34. The UK Government is determined to stamp out the abhorrent crime of child sexual exploitation. Through the Home Office led National Group on Sexual Violence against Children and Vulnerable People, we are already driving forward an ambitious programme of reform to urgently address the lessons learned from historical cases of sexual abuse and those emerging from current-day cases of child sexual exploitation. The National Group's overarching aim is to create the long-lasting change necessary to better identify those at risk from sexual abuse, strengthen institutional resilience to sexual abuse and create a victim-focused culture within the police, health and children's services.

35. In particular, our "This is Abuse" campaign, which has been running since 2010, is bringing the issue of peer-on-peer abuse out into the open and helping teenagers feel confident about challenging abuse when they see it.

36. The work of the National Group aims to place victims at the centre of a strengthened police, criminal justice system and wider multi-agency response to tackling sexual violence against children and the vulnerable. The National Group published its first progress report and action plan in July 2013, which include measures to prioritise action to prevent abuse happening in the first place, protect children online, make sure the police can identify and deal with problems and ensure victims are at the heart of the criminal justice system. The UK Government will be publishing a new strategy and action plan later this year.

37. We know that women and girls who are associated with gangs are at risk of violence, particularly sexual violence. Our Ending Gang and Youth Violence report, published in November 2011, identifies and addresses the needs of women and girls affected by gang violence – as victims as well as perpetrators.

38. Since launching the Ending Gang and Youth Violence programme, many of our priority areas are focusing on this issue for the first time. However, we still need to increase reporting, improve the targeting and quality of interventions, and reduce victimisation. The Home Office is providing £1.2m over three years (2012 - 2015) for 13 Young People's Advocates. These are new posts to provide direct support to young people at risk of or suffering gang-related sexual violence or sexual exploitation. We also funded the development of intensive, specialist training to practitioners working with young people at risk or victims of sexual violence.

39. We published our One Year On report in November 2012. This contains further commitments on gang-associated young women and girls, including:

- Updating guidance for professionals on safeguarding young people at risk of gang activity to address the specific needs of gang-associated young women and girls;
- Ensuring that young women and girls associated with gangs can safely access youth and criminal justice services;
- Developing advice for local areas to help them address young men and boys' harmful attitudes towards women and girls.

40. A second annual report was published in December 2013. It contains updates on the progress of the Ending Gang and Youth Violence programme, and further commitments on gang-associated women and girls. The Home Office "This is Abuse" campaign, which was re-launched on 5th December with a renewed focus on boys, targets the concerns raised over consent. The rape prevention and relationship abuse campaigns have been brigaded into one.

41. Research has indicated that the previous campaign was working well for girls but not so well for boys, so there is a renewed focus on boys' media channels and messages, including twitter and YouTube. We have developed a new web page on the "This is Abuse" site for boys called "In the know" – following research that the name "this is abuse" was a barrier to boys visiting the site as they feel it labels them an abuser. This page tells them what they need to know about abuse and consent and educates them further on the impact their behaviour has on girls.

42. Partners / schools packs are currently under development to distribute to support the campaign and we hope to achieve as broad a reach as possible. Problem profiling in relation to victims and offenders and understanding risk factors in high-risk businesses is a complex issue that cuts across the prevention, offenders and local implementation work areas within the National Group's work. The National Group recently held a roundtable on understanding offender motivations. Supporting victims is a key priority for the work of the National Group. Working across Government the Group is already considering how best to ensure victims receive the support they need and deserve.

6. *Please clarify the measures taken to prevent children from being sent abroad or to religious communities within the State party for the purpose of forced underage marriage, such as the polygamous communities, which amounts to the sale of children.*

43. The UK is a world leader in tackling forced marriage – the UK Government regards forced marriage as a form of violence against women and men, domestic abuse, a serious abuse of human rights and, where it affects children and young people, child abuse.

44. The Forced Marriage Unit (FMU), a joint Home Office and Foreign & Commonwealth Office Unit, is the UK Government's main delivery arm for delivering effective policy, outreach and casework aimed at addressing this abhorrent practice. The FMU operates both in-country, where support is provided to any individual, and overseas, where consular assistance is provided to British nationals, including dual nationals.

45. The FMU operates a public helpline to provide useful advice and support to victims of forced marriage as well as to professionals dealing with cases. The assistance provided ranges from simple safety advice through to aiding a victim to prevent their unwanted spouse moving to the UK, and, in some extreme circumstances, to rescues of victims held against their will overseas.

46. In all overseas cases the FMU always work within the local laws and constraints of the country concerned. The FMU offer a full consular assistance service to 16-18 year olds.

In cases involving children below the age of 16 years, these are handled on a case-by-case basis taking into account the capacity of the child concerned. We work with all of the relevant UK local authorities and agencies, including the police and social services.

47. These cases require careful handling, especially where the individual's parents may be separated to ensure that the Foreign & Commonwealth Office (FCO) is effectively not viewed as intervening on behalf of one parent. We are fully conscious of the importance of obtaining all the facts of the case in order to assess what, if any, action we can take. There could also be possible ramifications in removing a child from a forced marriage situation overseas as this may be seen as assisting in child abduction.

48. One tool that is frequently used to protect children is the forced marriage protection order (FMPO), which a civil court may make for the purpose of protecting a person who is at risk of a forced marriage or has already been forced into a marriage. An FMPO may contain as many conditions as the court considers necessary to protect the person involved, including a requirement not to threaten or harass the person at risk, not to remove them from the UK, or indeed return them to the UK if they are at risk from a forced marriage. To complement this, a Ward of Court Order may also be useful in cases involving children.

49. Currently, the breach of a FMPO in England and Wales is dealt with as a contempt of court. This means that the county courts can impose a custodial sentence of up to two years or a fine. Section 120 of the Anti-Social Behaviour, Crime and Policing Act 2014, which received Royal Assent on 13 March 2014, contains provisions to make the breach of a forced marriage protection order a criminal offence with a maximum penalty of 5 years' imprisonment. This will strengthen the existing law by enabling speedier and more effective enforcement action against those who breach the terms of a forced marriage protection order.

50. In addition section 121 of the 2014 Act contains provisions which for the first time make it a criminal offence to force a person to marry against their will and to lure a person abroad with the intention of forcing them into marriage.

51. The new offences in sections 120 and 121 of the 2014 Act are due to come into force on 16 June.

7. *With reference to paragraphs 28-40 of the State party's report, please clarify if all forms of sale of children, including engagement of children in forced labour and improperly inducing consent, as an intermediary, for the adoption of a child, covered in article 2 (a) and article 3, paragraph 1 (a) (i) (b. and c.), of the Optional Protocol, as well as child prostitution and child pornography have explicitly been defined and criminalised in England, Wales, Scotland and Northern Ireland. Please also specify if all acts of child pornography referred to in article 3 of the Protocol, including selling or possessing child pornography, are defined and criminalised.*

52. Pornography can only be viewed legally in the UK by those over the age of 18. However, child abuse imagery is illegal and the UK leads a global consensus to tackle its creation and dissemination. We would not therefore use or support the use of language that may work to legitimise these images (even unintentionally).

53. Child prostitution/child pornography have been defined and criminalised in England and Wales, Scotland and N. Ireland.

8. *Please inform the Committee about the measures undertaken by the State party, such as technical assistance, legislative reforms and training to authorities in the Overseas Territories, in an effort to protect children from the offences covered by the Optional Protocol, particularly in Turks and Caicos, Anguilla and Montserrat.*

Anguilla

54. There have been no training or legislative reforms related to these matters.

Pitcairn

55. Because of the endemic and serious history of child sex abuse on Pitcairn, there are numerous measures in force on Pitcairn to protect children from all forms of abuse. These include the professionals posted to the island, bi-annual child safety reviews, regular reporting from the island, child safety being on the agenda of Council meetings.

Cayman Islands

56. The Department works in collaboration with the Family Support Unit of the Royal Cayman Islands Police Services and the Legal Department in regards to all child protection matters. This work is conducted under the ambit of the Children Law (2012 Revision). Other Laws impacting the welfare of children includes the Penal Code (2013 Revision) Part VII, the Youth Justice Law, 1995 and the Adoption of Children Law, 2013.

57. The Children Law (2012 Revision) has provisions to prevent children who are on residence or care orders from being removed permanently from the jurisdiction. The Department works with the Legal Department in regards to child abduction under the Hague Convention. The Penal Code (2013 Revision) Section 218 (a) and (b)also addresses persons being removed from the jurisdiction while (b) specifically relates to enticing children under age of 16 from the care of their guardian without the guardian's consent.

58. Matters relating to child labour, improperly inducing consent regarding adoption and sale of children are addressed under the Penal Code (2013 Revision) Part VII which covers offences relating to children, restrictions on the employment of children and child pornography. The Labour Law (2011 Revision) Section 80A speaks to child labour as well.

59. Further, the Children Law (2012 Revision) addresses the overall welfare of children and speaks to the welfare of children being of paramount importance. The Adoption of Children Law, 2013, Part 2, Section 8 addresses prohibition of payment for children; Part 3 Sections 18 & 19 speaks to consent to adoptions; Part 5 Sections 31 speaks to a ban on persons advertising their children for adoption; and Sections 32 and 33 addresses restrictions on children being sent abroad for adoption.

60. Lastly, there is an established Child Abuse Protocol which outlines the role and responsibilities for each agency in the protection of children. The Department also has an agreed referral process in place with Health Services Authority and the Department of Education Services which forms part of the Child Abuse Protocol. A Central Referral Unit is also being established within the Family Support Unit and a full time Social Worker will shortly be assigned to that Unit to enhance the investigative process on child protection matters.

Montserrat

61. No special measures have been taken, as it is not perceived as a local problem.

Turks and Caicos Islands (TCIG)

62. The TCIG, as a member State of the Organization of Eastern Caribbean States OECS), is in the process of revising key Legislation such as the Child (Care and Adoption) Bill, Child Justice Bill, Status of Children Bill, Family (Guardianship, Custody and Access to Children) Bill, Juvenile Court Amendment Bill, Maintenance and Children Bill and the Domestic Violence Bill. The revision was conducted by the Organization of Eastern Caribbean States Reform Committee with a view of harmonising the existing Legislation with the CRC, Human Rights and other relevant International Conventions. The Legislations, once approved by Cabinet, will come into effect.

63. While the Optional Protocol document is not a main training tool used in TCI, TCIG, through its leading agencies on child abuse, training sessions, seminars and workshops are regularly conducted throughout the islands with key stakeholders, school, churches, NGOs, CBOs and all persons interested in ending all forms of child abuse. The media is also utilised to highlight matters of abuse, protection for children and the reporting/investigating agencies involved in child protection.

9. *With reference to recent concerns about the way some child victims have been treated in court, please elaborate on the measures taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol at all stages of criminal proceedings. Please also indicate the measures taken to ensure that child victims of offences under the Optional Protocol are treated exclusively as victims in need of recovery and reintegration and not as offenders or charged in connection with other crimes related to their status, as recommended by the Committee in 2008 (CRC/C/GBR/CO/4, para 74).*

64. The UK Government is absolutely committed to tackling child sexual exploitation.

65. The Minister for Crime Prevention, Norman Baker MP, is leading a Home Office led national group to tackle sexual violence against children and vulnerable people, with a specific focus on ensuring children do not become victims of sexual violence and are supported when this unfortunately occurs.

66. The National Group is working to improve cross government delivery, identify problems and solutions and act swiftly to resolve them. It has already identified nine key areas for action and is prioritising action to prevent children becoming victims in the first place, protecting children online, making sure the police can identify and deal with problems and ensure victims are at the heart of the criminal justice system.

67. Where child abuse takes place the effects on the victim can be life-long and devastating. It is vital that victims feel empowered to come forward to report abuse to the police and that they receive the support needed to help recover from the trauma of this hateful crime. That is why supporting victims is a specific area of focus for the National Group. On 24 July 2013, the Government published a progress report and action plan on the work of the National Group on Sexual Violence Against Children and Vulnerable People at a stakeholder event at the Home Office. It contained clear activity already delivered by Government and an action plan to take forward activity identified by the Group.

68. The Action Plan is already having an impact. In terms of achievements to date, the Crown Prosecution Service published final Guidelines on Prosecuting Cases of Child Sexual Abuse in October 2013, following public consultation. This guidance sets out a new approach for dealing with the particular issues that differentiate these cases. Alongside these guidelines, the Crown Prosecution Service published a list of stereotypical behaviour previously thought to undermine the credibility of young victims to dispel the associated myths when bringing a prosecution.

69. The National Group is considering those key policy issues, such as specialist victims' support services, on which to make rapid progress to create long-lasting improvements in this area. We continue to deliver a series of measures to improve the support available to victims before, during and after court in order that victims may feel confident in coming forward and continuing with the criminal justice process, to feel supported and protected through the trial, and to feel satisfied with their experience of the system, whether or not it results in a conviction. In addition to the work of the National Group, the Government published a new Victims' Code in December 2013. This sets out an enhanced role for agencies in supporting child victims through the CJS process, including better contact, explanations, and greater use of victim personal statements in court. It also sets out specific measures to help children and vulnerable witnesses with the court process, detailing the "special measures" which they are entitled to and are already in place. "Special measures" include having a screen around the witness box so that the victim does not have to see the suspect or their family; being able to give evidence by live video-link so victims don't have to be in the same room as where the trial is taking place; the judge and lawyers removing their wigs and gowns; and having an intermediary accompany victims in court to help them understand the process and questions.

70. Also, the Government has just published a review of ways to reduce the distress caused to some victims in sexual violence trials, looking at the trial process, in particular cross-examination which can be a long and traumatic experience. The review makes eight recommendations, which are currently being reviewed to see how best to take them forward.

71. We are also piloting pre-trial cross-examination in the Crown Court at Leeds, Liverpool and Kingston-Upon-Thames. These trials commenced in December 2013 and will run for 10 months. They seek to address concerns that child witnesses have come under undue pressure when giving evidence in some sexual abuse trials. Under the pilot scheme, child or vulnerable adult witnesses will have their evidence and cross-examination recorded before the trial starts, avoiding the stress of appearing in person in a crowded courtroom, or giving evidence in a live trial.

Other measures being introduced

72. The establishment of a National Child Sexual Abuse Review Panel: "Historical" cases of child abuse can now be re-reviewed by this panel, which has been established with representation from the police, CPS, an independent element (the Office of the Children's Commissioner and NSPCC).The panel will re-examine cases where a complainant is not satisfied with a decision (either by police or CPS) taken previously that no action should be taken over allegations of a sexual offence committed when they were under the age of 18.

73. The establishment of a Child Sexual Abuse Network: A national network (launched in April 2013) of child sexual abuse prosecutors, headed by the Chief Crown Prosecutor for the North West Nazir Afzal, has been established. It is made up of one specialist prosecutor from each of the 14 CPS Areas (including CPS Direct – which provides charging decisions to all police forces across England and Wales through a dedicated network of Duty Prosecutors based throughout the country).

74. The delivery of Child Sexual Abuse Training: Specific training on the prosecution of child sexual abuse is already taking place. This involves face to face training by the CPS Principal Legal Advisor for existing specialist lawyers regarding the lessons arising out of cases of historical sexual abuse, and in-house training for all prosecutors to introduce our new guidelines.

75. The UK Government is committed to ensuring that trafficked children are not unnecessarily criminalised. There are difficulties where victims are not confident to

disclose information due to fear of their traffickers or distrust of authorities more generally. This can make it difficult for the police in identifying indicators of trafficking.

76. We continue to work to address these barriers. Measures are in place to ensure that victims of trafficking are not unnecessarily criminalised. Prosecutors have discretion when considering whether to begin criminal proceedings and must take into account the public interest in bringing a prosecution. Whether coercion has played a part in committing an offence is one element that Crown Prosecution Service guidance recommends be considered in respect of trafficking victims.

10. *Please provide information on the measures to develop holistic and victim-centred methods to identify children, such as unaccompanied children entering the State party, who are, or who are at risk of becoming, victims of child trafficking, sale, prostitution and pornography.*

77. The UK Government recognises the importance of front line officers in helping to identify and protect victims of trafficking, including children, at the border. That is why the importance of providing training, guidance and raising awareness has a clear emphasis in the Border Force Modern Slavery Action Plan.

78. Border Force officers are made aware that the UK Government takes a victim-centred approach and enquiries into whether an individual is a potential victim of trafficking will always take precedence over consideration of the individual's immigration status.

79. Border Force officers undertake mandatory training in identifying victims of trafficking. This training is currently being reviewed and refreshed to ensure that it remains appropriate and comprehensive, so that officers have the right skill sets and levels of expertise.

80. The UK Government set up the National Referral Mechanism (NRM) in 2009. As with other front line agencies, such as police forces and local authorities, Border Force is a designated First Responder. Border Force will refer potential victims of trafficking in accordance with the NRM to ensure that they receive the support they require.

81. Border Force also makes use of all available intelligence and information, to develop risk profiles and alerts, to provide frontline officers with the information they need to intervene in suspected cases of trafficking.

82. The UK Government is undertaking a major review into how victims of trafficking and slavery are identified and supported. The aim is to make sure the current system, known as the NRM, is providing an effective and efficient means of supporting those who have suffered at the hands of slave masters and traffickers.

83. The review of the NRM will examine six main areas:

- Identification of potential victims;
- Access to victim support through the NRM;
- Victim data collection and data sharing between relevant agencies;
- The current decision-making process, including the quality and consistency of decision making;
- The level of support provided; and
- Governance of the NRM and which organisations may be best placed to administer the system.

84. This is part of the Government's wider commitment to stamp out slavery and protect victims through legislation and non-legislative work. The introduction of a Modern Slavery Bill, the first of its kind in Europe, later this year will further strengthen law enforcement efforts, increase convictions and better protect victims.

85. Moreover the UK Government's draft Modern Slavery Bill shows how seriously we take this issue. The Bill will consolidate and toughen existing legislation, making it simpler for the police and prosecutors to understand, and ensuring that perpetrators receive suitably severe punishments for these appalling crimes.

86. The draft Bill outlines the Government's intentions to:

- Consolidate the existing modern slavery offences;
- Increase the maximum sentence for modern slavery offences to life imprisonment;
- Introduce an Anti-Slavery Commissioner;
- Restrict movements or impose other prohibitions on convicted or suspected traffickers and slave drivers, to mitigate the risk they pose; and
- Create a new requirement on public bodies to report all suspected cases of human trafficking to the National Crime Agency (NCA).

87. The UK Government recognises that modern slavery is an international issue which requires a coordinated and consistent response. In the National Control Strategy for Serious and Organised Crime, human trafficking and modern slavery are prioritised as high priority threats, the highest level available for all of UK Law Enforcement. The NCA is using intelligence, tasking and coordination functions to build a more comprehensive picture of the threat and to focus on relentlessly disrupting High Priority and Priority Serious and Organised Criminals and their groups involved in modern slavery. A large number of modern slavery cases start with human trafficking; the NCA's UK Human Trafficking Centre (UKHTC) therefore plays a central role in fighting this crime. By the end of April 2014, the NCA will produce an assessment identifying those OCGs involved in human trafficking. Moreover, by June 2014 every organised crime group identified in the NCA assessment, including those involved in human trafficking, will be mapped and prioritised for action through the NCA's national tasking arrangements

11. *Please indicate the measures taken to ensure that child victims of offences under the Optional Protocol, including victims of trafficking, are provided with appropriate assistance for their full social reintegration, physical, psychological and psychosocial recovery, as well as compensation. Please indicate how the State party ensures that child victims are properly informed about the existence of such services.*

88. The UK Government acknowledge that where children are found to be trafficked their safety and welfare needs must be addressed as a priority and that child victims require tailored support which addresses their specific needs and vulnerabilities.

89. Local authorities have well-established child support arrangements and a statutory duty under the Children Act 2004 to safeguard and promote the welfare of all children in need of protection, including trafficked children.

90. Under these arrangements, looked after children are provided with access to all their needs, be they in relation to education, accommodation, psychological or health. Local authorities co-ordinate the arrangements for each looked after child to ensure they are safeguarded and have their welfare promoted.

91. Commencing in 2014, the Government will conduct a trial process, in which specialist independent advocates will provide full independent advocacy services to

children trafficked into, out of and within the UK, supporting, advising and guiding the child through the immigration, criminal justice and care systems and ensuring the child's voice is heard. The trial will test the new specialist independent advocates against the existing support, which will be supported by new, strengthened statutory guidance and regulation in this area. The trial, which would run in 23 local authorities, is intended to start in the Summer of 2014.

III. Crown dependencies and overseas territories

Crown dependencies

Isle of Man

92. The UK's ratification of this Optional Protocol to the Convention on the Rights of the Child has not been extended to the Isle of Man and the Island is not bound in international law by its provisions.

93. The Isle of Man Government would certainly be supportive of the aims of this Optional Protocol but a thorough review of the Island's relevant legislation, and possibly amendments to that legislation, would be required before any request for extension could be made. Under the constitutional relationship between the Isle of Man as a Crown Dependency and the United Kingdom, the UK (as the State Party) may be ultimately responsible to the relevant treaty body for compliance with international instruments that have been extended to the Island but the Isle of Man Government is domestically responsible for their implementation.

94. Only points 1 and 2 in the United Nations Committee's list of issues make reference to the Crown Dependencies and appear to be relevant to the Isle of Man.

95. The Isle of Man Constabulary has advised that none of these offences have been recorded during the years in question. Appropriate support would be given to victims if or when such offences are found to have taken place in the Isle of Man.

96. The Constabulary also advised that protocols and systems are in place to allow for the recording and investigation of any such matters.

The Channel Islands

Jersey

97. Currently the Convention on the Rights of the Child and the two Optional Protocols do not apply to Jersey. However, the Government of Jersey has asked that HM Government's ratification of the Convention and the two Optional Protocols be extended to the Island. Having established that Jersey has sufficient domestic provisions in place, or UK provisions extended to it, to give effect to the Convention and its Optional Protocols, the Foreign and Commonwealth Office were asked to take forward the necessary declaration with the treaty holding authority in February of this year. This is currently under consideration.

98. Bearing in mind the Government of Jersey's submission with regard to this Protocol was as follows:

> The Government of Jersey wishes to protect against the sale of children, child prostitution and child pornography. It supports the UK ratification of Optional Protocol 1 and wishes that ratification to be extended to itself. In so doing, the

Government of Jersey commits to reviewing its own legislation to assess the extent to which it is fully compliant with the provisions of the Optional Protocol, and where it is not found to be fully compliant, to consider what action is required to ensure compliance.

99. Noting also that the Chair of the Children's Policy Group (the Minister for Health and Social Services) has issued a letter to HM Attorney General asking for such a review to be progressed, and some indication of the potential timescale (letter attached);

100. Commenting on the Committee's list of issues in relation to the initial report of the UK submitted under the Optional Protocol on the sale of children, child prostitution and child pornography, as follows:

- In response to Question 1(a) please find a data set and outcomes that we believe addresses the Committee's enquiry (the data table is attached at Annex E);
- In response to Question 1(b) there were no cases in the Island in this period that fit the criteria;
- In response to Q2, the Island has no recorded incidents of children being offered for sale or prostitution. Those occurrences & incidents of child pornography processed in Jersey are always investigated, assessed & analysed by our dedicated Hi-Tech Crime Unit (HTCU) where appropriate in consultation & liaison with CEOP, NCA & overseas Law Enforcement, principally the USA FIB, in order to identify any potential links, including contact offending;
- In response to Q3, this is not directed at the Crown Dependencies;
- In response to Q4, this is not directed at the Crown Dependencies;
- In response to Q5, we do not believe that this is directed at the Crown Dependencies;
- In response to Q6, in respect of measures taken to prevent children from being sent abroad standard border control procedures apply (see Q10 below also). In respect of British passports issued to children by the Jersey Passport Office the Island adopts the policy of HM Passport Office when dealing with child applications albeit references to UK legislation are not relevant. There are no religious communities within the Island as referenced in Q6 for which extra "protective measures "may be necessary;
- In response to Q7, this does not seem to apply to the Crown Dependencies, but the answer to the second part of the question is "yes". See:- Protection of Children (Jersey) Law 1994;
- In response to Q8, this is not directed at the Crown Dependencies;
- In response to Q9, Jersey established the Jersey Family Court Advisory Service (JFCAS) in 2011 which is the equivalent of the UK "CAFCASS" services. This service (in Jersey) operates under the remit of the Probation & After-Care Service and provides independent "Guardians" at the discretion of the Court in connection with proceedings under the Children (Jersey) Law 2002. See:-Children (Jersey) Law 2002. In all other civil cases the Court has discretion to appoint a Guardian *ad litem* in accordance with the Royal Court Rules 2004, Rule 4/1. In respect of child victims and witnesses of crimes at all stages of criminal proceedings, the Court has discretion in the handling of the matter;
- In response to Q10, officers of the Jersey Customs and Immigration Service are aware of the potential for children to be travelling with persons who are not their legal guardians. If officers have suspicions with regard to any child, including

unaccompanied children, they will act accordingly. The States of Jersey Police will be informed, assisted by specialist child services, as required.

- In response to Q11, the Minister for Health and Social Services has responsibility for all vulnerable children under the Children (Jersey) Law 2002, any child in these circumstances would become subject to child protection procedures and may become "looked after" by the Department for Health and Social Services (if appropriate) and their particular needs would be fully considered and safeguarded as part of our "normal" processes. As indicated above, the Royal Court have the discretion in care proceedings under the Children (Jersey) Law 2002 to appoint a Guardian who would ensure that the child's rights under that Law are safeguarded.

101. The Children's Policy Group within the Government of Jersey is seeking extension of ratification of the United Nation's Convention on the Rights on Children to Jersey. This includes extension of the two optional protocols to the Convention, the first of which relates to the sale of children, child prostitution and child pornography (OPSC).

102. Whilst the Convention on the Rights of the Child has not yet been formally extended to Jersey, it is anticipated that this will happen over the coming months. Pending confirmation of that extension, indeed regardless of whether or not the Convention is extended to us, the Children's Policy Group would like the Law Office to progress a review of our legislation in order to establish compliance with Option Protocol 1. Once this review has been undertaken, the Children's Policy Group can then consider what, if any action, should be taken to improve compliance.

Guernsey

103. The United Nations Convention on the Rights of the Child (and the optional protocol referred) does not currently extend to Guernsey.

Overseas territories

Anguilla

104. Anguilla does not collect data on sale of children, child prostitution or child pornography. Also, there are no training or legislative reforms in place related to these matters.

Gibraltar

105. The Convention on the Rights of the Child (and the optional protocol referred) does not currently extend to Gibraltar.

Bermuda

106. Regarding question 1 of the list of issues, Bermuda does not have any instances of sales of children or other breaches of the Convention. As such Bermuda has not had to provide any recovery assistance. No technical assistance has been provided; however, the legislative mechanisms are in place under the Children Act 1998, to address offences covered by the optional protocol.

107. Data from the Bermuda Department of Public Prosecution is as follows:

- Between 1 January 2011 and 31 December 2013, 3 defendants have been convicted of child pornography offences; 1 defendant has been acquitted;
  - Defendant 1: 14 charges of knowingly accessing child pornography between November 2008 and October 2009. Sentenced to 1 year imprisonment;

- Defendant 2: 10 counts of knowingly accessing child pornography, and knowingly accessing child porn between May 2008 and April 2011. Sentenced to 2 years imprisonment;
- Defendant 3: 3 counts of accessing child pornography, 4 counts of making child pornography. Sentence increased to 14 years on appeal.

108. Regarding question 7 of the list of issues, in Bermuda, child pornography is explicitly defined in the Criminal Code, section 176A as follows:

"Child pornography" means:

(a) A photograph, film, video or other visual representation, whether or not it was made by electronic or mechanical means:

(i) That shows a child who is, or is depicted as being engaged in explicit sexual activity; or

(ii) The dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a child;

(b) Any written material or visual representation or audio recording that advocates or counsels sexual activity with a child; or any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a child.

109. Regarding questions 8 and 9 of the list of issues, the Department of Public Prosecutions is in the process of organising training to sensitise prosecutors to the nuances of prosecuting cases involving child victims, and the measures to be taken to protect the rights and interests of child victims and witnesses at all stages of criminal proceedings.

Section 542 and 542A of the Criminal Code provides:

Power to clear court while child is giving evidence in criminal proceedings.

542 (1) Where in any proceedings in relation to an offence against, or any conduct contrary to, decency and morality, a child is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case or their counsel, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that child:

Provided that nothing in this subsection shall be construed so as to authorize the exclusion of *bona fide* representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

(3) In this section, "child" means a person who, in the opinion of the court before which he or she is called as a witness, is under the age of fourteen years.

Measures to protect the complainant etc. in certain circumstances

542A (1) Where before a special court or at a preliminary inquiry or a trial an accused is charged with a sexual offence and the complainant is at the time of the proceedings under the age of sixteen years, the chairman or the magistrate or the judge, as the case may be, may order that the complainant shall testify outside the court room or behind a screen or other device that would prevent the complainant from seeing the accused, if the chairman or magistrate or judge is of opinion that such an arrangement is necessary for a full and candid account of the acts complained of to be obtained from the complainant.

(2) A complainant shall not testify outside the court room pursuant to subsection (1) unless:

(a) Arrangements are made for the accused and the special court or, as the case may be, the magistrate or the judge and jury to watch the giving of the complainant's testimony by means of television or otherwise; and

(b) The accused is permitted to communicate with his counsel while watching the giving of the testimony.

(3) Where an accused is charged with a sexual offence, a judge or a magistrate may make an order directing that the identity of a witness, or any information that could disclose the identity of a witness, shall not be published in a written publication available to the public, or be broadcast.

(4) Where an accused is charged with a sexual offence:

(a) The prosecutor or a judge or a magistrate shall at the first reasonable opportunity inform any witness under the age of sixteen years of his right to make an application for an order under subsection (3); and

(b) If an application for an order under subsection (3) is made by the prosecutor or such a witness to a judge or a magistrate, the judge or magistrate shall make an order under that subsection.

(5) Any person who, without lawful excuse, the proof of which shall be on him, contravenes an order made under subsection (3) is guilty of a summary offence, and is liable on conviction to a fine of $5,000.

Pitcairn

110. There have been no reports or incidences of the sale of children, child prostitution or child pornography on Pitcairn for 2011, 2012 and 2013. There are no children for 2011, 2012 and 2013 being provided with recovery assistance etc. Whilst there have been no reports of the above, since the history of child sex abuse was exposed some years ago HMG has 5 professionals on Pitcairn who are all trained in child protection. Because of the endemic and serious history of child sex abuse on Pitcairn, there are numerous measures in force on Pitcairn to protect children from all forms of abuse. These include the professionals mentioned above, bi-annual child safety reviews, regular reporting from the island, child safety being on the agenda of Council meetings.

British Virgin Islands

111. In 2012 two persons were charged separately for having child pornography. The victim in both matters is the same person. She was 15 at the time of the offending. Both persons were indicted and their cases came before the High Court in the October Assize of 2012. The matters have not yet commenced. It is expected that one matter will be heard in this assize and the other traversed to the next assize. There are no other matters in the ODPP for the offence of child pornography.

112. There have been no matters involving the sale of children or child prostitution reported to the ODPP. It follows that there was no assistance for child recovery from the ODPP. The Royal Virgin Islands Police Force (RVIPF) has confirmed that the only case they have had in the period in question is that referred to above. They have not had any suspected cases of child prostitution or sale of children.

113. All agencies are currently finalising a Child Protection Protocol. The RVIPF and DPP have fed back into the consultation process and believe that the Protocol is close to being implemented.

114. The Ministry of Health and Social Development are leading on the Child Protection Protocol which is designed to provide relevant Government agencies with a systematic guideline for coordinated actions in child protection, maltreatment reporting, investigation and management. The document outlines the role of the Social Development Department which has the legal mandate for child care and protection, and the supportive roles of other agencies such as the Judiciary, Magistracy, Police, medical and mental health practitioners, schools, daycare centres, and child residential facilities.

115. In a move to eradicate child pornography in the Territory, the BVI government has introduced a bill (the Computer Misuse and Cybercrime Act (2014)) that could result in offenders spending up to 10 years in prison. Child pornography, according to Section 14 of the Act, includes material that visually depicts a child in nudity in a sexually explicit manner. It also relates to material that shows a child or a person who appears to be a child engaged in sexually explicit conduct.

116. The bill proposes up to 10 years imprisonment or a maximum fine of $250,000 for offenders. In some instances, offenders may end up doing the time and also paying the fine. The bill is due to pass into law later in 2014.

Falkland Islands

117. The Falkland Islands do not have cases of child trafficking or child prostitution and there is no statistics or data collection mechanism in place.

Turks and Caicos Islands

118. There have been no reported cases of sale of children in the Turks and Caicos Islands (TCI). Both the Domestic Violence/ Sexual Offenses Unit of the Royal Turks and Caicos Island Police Force and the Department of Children and Family Services and Gender Affairs (DSD&GA) have received no reports or conducted any investigations into such matters to date.

119. Given that there are no reported cases of sale of children within TCI, recovery assistance and compensation have not been implemented to deal with these matters. All services, including financial assistance, are made available to children of abuse and their family if needed.

120. Both investigating Departments (Domestic Violence/Sexual Offense Unit and DSD&GA) are mandated to collect and to report relevant information and to provide monthly and annual statistical data. There are established procedures to investigate and reports such matters under discussion.

121. Currently there is no Child Exploitation Online Protection Centres (CEOPC) operational in TCI. However, the investigating agencies, the Royal Turks and Caicos Island Police Force's and DSD&GA's telephone contact numbers are widely published and made available to all. Agencies like the hospitals, clinics, schools, churches and all persons in communities are mandated to report all matters of child abuse. The investigating agencies are also mandated to respond to reports with 24 hours of receiving a call. Technical and human resources are provided by the investing agencies through their trained and qualified social workers and police officers to deal with child abuse. These Departments' financial resources are dedicated to investigating and safeguarding all children within its jurisdiction.

122. All organized criminal matters are dealt with by the Royal Turks and Caicos Islands Police Force.

123. Currently there are few reported cases of gang activities at schools and in communities. It has been reported that these gangs are not organized and there are no reported cases of sexual exploitation matters originating from these gangs. However, the Royal Turks and Caicos Police Force have implemented a Drug Abuse Resistance Education (DARE) outreach program that seeks to educate children in schools about the negative impact of drug use, drug culture and gang membership. The program is present on all the family islands.

124. There have been no reported cases of sale of children within the TCI. The Constitution and the Offences Against the Person Ordinance (2009) prohibits carnally knowing girls under the age of thirteen (13) years, indecent assault, the procuration, abduction, forcible abduction with intent to marry and child stealing practices. This offence is punishable by imprisonment. There have been no reported cases of forced marriages or removal of children to polygamous communities within the TCI.

125. All children in care are subjected to the full scrutiny of the Department and the Courts before any removal is considered.

126. TCI is not a signatory to the International Hague Convention. There have been rare cases of children crossing borders. In such rare cases, a collaborative effort is made with DSD&GA, the Ministry of Boarder Control and Labour and the Royal Turks and Caicos Police Force, through the Governor's Office. The Governor's office relies on the diplomatic relations between countries to deal with this problem.

127. TCI's Employment Ordinance states that anyone over the age of sixteen (16) years could be gainfully employed. However, children under the age of sixteen (16) years who wish to enter the field of work must have parental or guardian consent. This is adhered to and currently there are no reported cases of forced labour in TCI.

128. Section five (5) of the new TCI Constitution (2011) protects the right of all individuals from arbitrary arrest or detention. Children, over the age of eight (8) years can be asked to testify in Court. In situations where children are called upon to give evidence, they must be accompanied by a parent, guardian or social worker. Currently, Legislation is being drafted to provide for juveniles to give evidence by way of video link/conferencing so that they do not have to sit in a courtroom.

129. DSD & GA has the responsibility of monitoring and managing all child abuse cases. Therefore, at all stages of the criminal proceeding, a child is supported by an assigned social worker. This is to ensure that all the rights of the child are adhered to and that the child is protected.

130. In defining a child, there is no set age of majority in TCI. The Ministry of Environment and Home Affairs in conjunction with the Ministry of Education and the Human Rights Commission held public consultation to seek to standardize the age of majority. A Cabinet Paper was drafted to be put before the Legislative Assembly.

131. Each child victim is assigned a social worker who will work closely with the child and their family. While financial compensation is not provided to victims of abuse, all the services (including financial services) of DSD&GA are made available to the child victim and their family to recover and become fully re-integrated into society. There are programs/activities/initiatives of DSD&GA, Ministry of Health, Ministry of Education and TCIPF which are geared towards sensitization and information sharing to children in school, the communities and the general public. Additionally, there are a number of printed material and posters distributed throughout the islands focused on identifying types of abuse and reporting mechanisms. Child Abuse Prevention Month and Universal Children's Day are observed annually in TCI.

Cayman Islands

132. The Department of Children and Family Services ("the Department") of the Cayman Islands has no data in regards to the sale of children, child prostitution nor child pornography. There is no record of any victims who were provided with recovery assistance. The Department tracks child abuse referrals as physical, emotional, sexual, incest and defilement matters.

133. The Department works in collaboration with the Family Support Unit of the Royal Cayman Islands Police Services and the Legal Department in regards to all child protection matters. This work is conducted under the ambit of the Children Law (2012 Revision). Other Laws impacting the welfare of children includes the Penal Code (2013 Revision) Part VII, the Youth Justice Law, 1995 and the Adoption of Children Law, 2013.

134. The Children Law (2012 Revision) has provisions to prevent children who are on residence or care orders from being removed permanently from the jurisdiction. The Department works along with the Legal Department in regards to child abduction under the Hague Convention. The Penal Code (2013 Revision) Section 218 (a) and (b)also addresses persons being removed from the jurisdiction while (b) specifically relates to enticing children under age of 16 from the care of their guardian without the guardians consent.

135. Matters relating to child labour, improperly inducing consent regarding adoption and sale of children are addressed under the Penal Code (2013 Revision) Part VII which covers offences relating to children, restrictions on the employment of children and child pornography. The Labour Law (2011 Revision) Section 80A speaks to child labour as well.

136. Further, the Children Law (2012 Revision) addresses the overall welfare of children and speaks to the welfare of children being of paramount importance. The Adoption of Children Law, 2013, Part 2, Section 8 addresses prohibition of payment for children; Part 3 Sections 18 & 19 speaks to consent to adoptions; Part 5 Sections 31 speaks to a ban on persons advertising their children for adoption; and Sections 32 and 33 addresses restrictions on children being sent abroad for adoption.

137. Lastly, there is an established Child Abuse Protocol which outlines the role and responsibilities for each agency in the protection of children. The Department also has an agreed referral process in place with Health Services Authority and the Department of Education Services which forms part of the Child Abuse Protocol. A Central Referral Unit is also being established within the Family Support Unit and a full time Social Worker will shortly be assigned to that Unit to enhance the investigative process on child protection matters.

Montserrat

138. In relation to Question 1, there is no data available for 2011. In 2012, there was one case of unlawful sexual intercourse with a 12 year old girl, which was prosecuted.

139. In 2013, there were two separate cases prosecuted of unlawful sexual intercourse with underage girls, one age 13 and one age 14. There are no reported cases of sale of children, child prostitution or child pornography.

140. All the above victims received counselling but no compensation system exists.

141. No established mechanisms for collecting data exist, apart from returns of annual statistics on crimes committed. The data is supplied by police authorities. However no sale of children, child prostitution or child pornography cases have been reported.

St Helena, Ascension and Tristan da Cunha

142. St Helena, Ascension and Tristan da Cunha reports a "nil return" in response to question 1. For question 2 there is no sale of children or child prostitution in the islands. There is no evidence of child pornography being produced on St Helena, Ascension or Tristan da Cunha. For question 8, again there are no known cases of child prostitution nor sale of children on St Helena, Ascension and Tristan da Cunha.

Annex A

Ministry of Justice table

Defendants proceeded against at magistrates' court and found guilty at all courts for offences relating to child pornography and child prostitution by age and ethnicity, England and Wales 2008-2012

				Proceeded against / Found guilty									
				2008		*2009*		*2010*		*2011*		*2012*	
Sexual Offences Act 2003 S.50(1)(a) & (b)(i) & (2)	Arranging or facilitating child prostitution or pornography – child aged 13-17	18 years to 21	White									1	
			Black									1	
		Over 21	White		1	1			2	3	1	1	
			Asian (Indian Sub-Continent)			1	1						
			Other			3							
			Not recorded/ not known			1					1		
		Total (all)			1	6	1		2	3	2	3	
Sexual Offences Act 2003 S.48(1)(a) & (b)(ii) & (2)	Causing or inciting child prostitution or pornography – child under 13	Age 10 to 17 years	Not recorded/ not known					1					
		18 years to 21	White			1			1	1			
		Over 21	White	1	1	2		1	1		2	3	4
			Not recorded/ not known	2					1	1			
		Total (all)		3	1	3		2	3	2	2	3	4
Sexual Offences Act 2003 S.50(1)(a) & (b)(ii) & (2)	Arranging or facilitating child prostitution or pornography – child under 13	Over 21	White		1					1		3	2
			Not recorded/ not known										
		Total (all)			1					1		3	2

				Proceeded against / Found guilty									
				2008		*2009*		*2010*		*2011*		*2012*	
Sexual Offences Act 2003 S.47(1)(a), (b) & (c)(i), (2), (4)(a) & (6)	Paying for sex with a female child aged under 16 – penetration	18 years to 21	Black	-	-	1	-	-	-	-	-	-	-
		Over 21	White	-	-	-	-	-	-	3	1	5	-
			Black	-	-	-	-	1	-	2	-	-	-
			Asian (Indian Sub-Continent)	-	-	-	-	-	-	2	-	1	-
			Not recorded/not known	1	-	1	-	-	-	-	-	1	-
		Total (all)		1	-	2	-	1	-	7	1	7	-
Sexual Offences Act 2003 S.47(1)(a), (b) & (c)(i), (2), (4)(a) & (6)	Paying for sex with a male child aged under 16 – penetration	Over 21	White	-	1	-	-	-	-	-	-	2	-
			Not recorded/not known	1	-	-	-	-	-	-	-	-	-
		Total (all)		1	1	-	-	-	-	-	-	2	-

"-" Nil.

(1) The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

(2) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

(3) The number of defendants found guilty in a particular year may exceed the number proceeded against as the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

(4) Only those offences, ages and ethnicity are shown for which data has been recorded.

(5) The ethnicity has been determined by a third party and the possible options are white, blacks, Asian (Indian Sub-Continent), Other and not recorded/ not known

(6) Excludes data for Cardiff magistrates' court for April, July and August 2008.

Annex B

Scotland table (1)

Charge	*2010-11*	*2011-12*	*2012-13*
People with a charge proved for offences under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, where the offence is the main offence.			
Protection Of Children & Prevention Of Sexual Offences (Scotland) Act 2005 Section 1	4	7	4
Protection Of Children & Prevention Of Sexual Offences (Scotland) Act 2005 Section 9	0	0	0
Protection Of Children & Prevention Of Sexual Offences (Scotland) Act 2005 Section 10	0	0	0
Protection Of Children & Prevention Of Sexual Offences (Scotland) Act 2005 Section 11	0	0	0
Protection Of Children & Prevention Of Sexual Offences (Scotland) Act Section 12	0	0	0
Total	**4**	**7**	**4**

Source: Scottish Government Court Proceedings database.

Annex C

Scotland table (2)

Crime	*Legislation*	*2010-11*	*2011-12*	*2012-13*
People prosecuted for offences of child sexual exploitation, where main offence				
Assault by penetration of young child (under 13)	Sexual offences (scotland) act 2009 section 19 & 20	0	2	1
Attempted rape (offences after 1 Dec 2010)	Sexual offences (scotland) act 2009 section 18	0	1	1
Cause older child (13-15) to participate in sexual activity	Sexual offences (scotland) act 2009 section 31	0	1	4
Cause young child (under 13) to participate in sexual activity	Sexual offences (scotland) act 2009 section 21	0	1	1
Cause young child to be present/ look at sexual activity	Sexual offences (scotland) act 2009 section 22	0	0	4
	Sexual offences (scotland) act 2009 section 23	0	1	3
Causing an older child (13-15) to be present/look at sexual activity	Sexual offences (scotland) act 2009 section 33	0	0	6
Communicate indecently older child (13-15)	Sexual offences (scotland) act 2009 section 34(1)	0	6	22
	Sexual offences (scotland) act 2009 section 34(1) & section 35	0	1	0
	Sexual offences (scotland) act 2009 section 34(2)	0	1	2
Communicating indecently with young child (under 13)	Sexual offences (scotland) act 2009 section 24(1)	0	4	9
	Sexual offences (scotland) act 2009 section 24(2)	1	1	0
Intercourse with older child (13-15)	Sexual offences (scotland) act 2009 section 28	0	12	23
	Sexual offences (scotland) act 2009 section 28 & 29	0	5	5
	Sexual offences (scotland) act 2009 section 28 & 29 & 30	0	2	4
	Sexual offences (scotland) act 2009 section 28 & 30	0	1	4
Lewd and Libidinous practices	Criminal law (amendment) act 1922 section 4(1)	2	0	0
	Criminal law (consolidation) (scotland) act 1995 section 6	85	37	28
	Lewd, indecent & libidinous practices & behaviour	108	66	64
	Lewd, indecent & libidinous practices & behaviour & sodomy	1	1	0
	Sexual offences (amendment) act 2000 section 3(1)(a)	1	1	0

Crime	*Legislation*	*2010-11*	*2011-12*	*2012-13*
	Sexual offences (amendment) act 2000 section 3(1)(b)	3	1	0
	Sexual offences (scotland) act 1976 section 5	5	3	3
	Shameless indecency	0	6	0
Penetrative sexual activity with older child (13-15)	Sexual offences (scotland) act 2009 section 29	0	2	4
Rape	Sexual offences (scotland) act 2009 section 18	0	2	8
	Sexual offences (scotland) act 2009 section 18 & 20	0	1	0
	Sexual offences (scotland) act 2009 section 18,19 & 20	0	0	2
Sexual Abuse of trust of person under 18	Sexual offences (scotland) act 2009 section 42	0	1	2
Sexual activity with older child (13-15)	Sexual offences (scotland) act 2009 section 30	0	13	20
Sexual assault of young child (under 13)	Sexual offences (scotland) act 2009 section 20	1	12	30
	Sexual offences (scotland) act 2009 sections 20 & 25	0	1	0
Sexual exposure older child (13-15)	Sexual offences (scotland) act 2009 section 35	0	6	11
Sexual exposure to a young child (under 13)	Sexual offences (scotland) act 2009 section 25	0	2	8
Sexual intercourse with child under 16 (offences prior to 1 December	Criminal law (consolidation) (scotland) act 1995 section 5(3)	69	37	15
Sexual intercourse with girl under 13 (offences prior to 1 December	Criminal law (consolidation) (scotland) act 1995 section 5(1)	4	1	0
Voyeurism older child (13-15)	Sexual offences (scotland) act 2009 section 36(1)&(2)	0	0	1
	Sexual offences (scotland) act 2009 section 36(1)&(4)	0	0	1
	Sexual offences (scotland) act 2009 section 36(1)&(4a)	0	1	0
Voyeurism young child (under 13)	Sexual offences (scotland) act 2009 section 26(1)&(4a)	0	1	0
Total prosecutions		**280**	**228**	**286**
People with a charge proved for offences of child sexual exploitation, where main offence				
Assault by penetration of young child (under 13)	Sexual offences (scotland) act 2009 section 19 & 20	0	2	1
Cause older child (13-15) to participate in sexual activity	Sexual offences (scotland) act 2009 section 31	0	1	3
Cause young child (under 13) to participate in sexual activity	Sexual offences (scotland) act 2009 section 21	0	0	1

Crime	*Legislation*	*2010-11*	*2011-12*	*2012-13*
Cause young child to be present/ look at sexual activity	Sexual offences (scotland) act 2009 section 22	0	0	1
	Sexual offences (scotland) act 2009 section 23	0	1	2
Causing an older child (13-15) to be present/ look at sexual activity	Sexual offences (scotland) act 2009 section 33	0	0	4
Communicate indecently older child (13-15)	Sexual offences (scotland) act 2009 section 34(1)	0	4	20
	Sexual offences (scotland) act 2009 section 34(1) & section 35	0	1	0
	Sexual offences (scotland) act 2009 section 34(2)	0	1	2
Communicating indecently with young child (under 13)	Sexual offences (scotland) act 2009 section 24(1)	0	3	6
	Sexual offences (scotland) act 2009 section 24(2)	1	1	0
Intercourse with older child (13-15)	Sexual offences (scotland) act 2009 section 28	0	11	21
	Sexual offences (scotland) act 2009 section 28 & 29	0	5	4
	Sexual offences (scotland) act 2009 section 28 & 29 & 30	0	2	4
	Sexual offences (scotland) act 2009 section 28 & 30	0	1	3
Lewd and Libidinous practices	Criminal law (amendment) act 1922 section 4(1)	2	0	0
	Criminal law (consolidation) (scotland) act 1995 section 6	65	29	19
	Lewd, indecent & libidinous practices & behaviour	76	49	42
	Lewd, indecent & libidinous practices & behaviour & sodomy	1	0	0
	Sexual offences (amendment) act 2000 section 3(1)(a)	1	1	0
	Sexual offences (amendment) act 2000 section 3(1)(b)	3	1	0
	Sexual offences (scotland) act 1976 section 5	3	2	2
	Shameless indecency	0	0	0
Penetrative sexual activity with older child (13-15)	Sexual offences (scotland) act 2009 section 29	0	2	3
Rape	Sexual offences (scotland) act 2009 section 18	0	2	8
	Sexual offences (scotland) act 2009 section 18 & 20	0	1	0
	Sexual offences (scotland) act 2009 section 18,19 & 20	0	0	1
Sexual Abuse of trust of person under 18	Sexual offences (scotland) act 2009 section 42	0	1	0

Crime	*Legislation*	*2010-11*	*2011-12*	*2012-13*
Sexual activity with older child (13-15)	Sexual offences (scotland) act 2009 section 30	0	12	13
Sexual assault of young child (under 13)	Sexual offences (scotland) act 2009 section 20	1	9	23
Sexual exposure older child (13-15)	Sexual offences (scotland) act 2009 section 35	0	4	9
Sexual exposure to a young child (under 13)	Sexual offences (scotland) act 2009 section 25	0	2	6
Sexual intercourse with child under 16 (offences prior to 1 December	Criminal law (consolidation) (scotland) act 1995 section 5(3)	61	33	13
Sexual intercourse with girl under 13 (offences prior to 1 December	Criminal law (consolidation) (scotland) act 1995 section 5(1)	3	1	0
Voyeurism older child (13-15)	Sexual offences (scotland) act 2009 section 36(1)&(4)	0	0	1
	Sexual offences (scotland) act 2009 section 36(1)&(4a)	0	1	0
Total convictions		**217**	**183**	**212**
Summary of above tables				
Total prosecutions under	Sexual offences (scotland) act 2009 – sections 18 to 47	2	81	176
Total prosecutions under	Criminal law (consolidation) (scotland) act 1995 sections 5 & 6	158	75	43
Total prosecutions under	Lewd and libidinous practices (excludes offences under criminal law (consolidation)(s) act 1995 s6)	120	72	67
Total prosecutions		280	228	286
Total convictions under	Sexual offences (scotland) act 2009 – sections 18 to 47	2	67	136
Total convictions under	Criminal law (consolidation) (scotland) act 1995 sections 5 & 6	129	63	32
Total convictions under	Lewd and libidinous practices (excludes offences under criminal law (consolidation)(s) act 1995 s6)	86	53	44
Total convictions		**217**	**183**	**212**

Source: Scottish Government Justice Analytical Services data.

Annex D

Northern Ireland

Separated/Trafficked Children

Period 1 April 12–31 March 2013

Total Number of Separated Children Presented	**12**
Age, Gender and Composition	1 x 16 year old – Unaccompanied Asylum Seeking: male 1 x 15 year old – Unaccompanied Asylum Seeking: male 1 x 16 year old – Trafficked (suspected / confirmed) Separated: female 2 x 17 year olds – Trafficked (suspected / confirmed) Separated: one male and one female 2 under 15 year olds – Separated Asylum Seeking: 2 females 1 x 17 year old – Separated Migrant: male 1 x 17 year old – Unaccompanied Asylum Seeking: male 3 x 16 year olds – Separated Migrant: 3 females
Number of Separated/Trafficked Children who disappeared during this period	3
Number of Separated/Trafficked Children who are Looked After at period end (includes Separated/Trafficked Children who were Looked After prior to 1 April 2012)	10

The figure at year end is lower than the total number presented – this is because a couple of young people had aged out of care.

Annex E

Jersey data

Possess/distribute indecent images of child							
Master file	2011	2012	2013	Total no. of incident files	Imprisonment	Other conditions	
M05665 2011	12			12		FTA - defendant deceased	
M12466 2011	5			5	5 years	10 years restraining order	10 years Sex Offenders Register
M14962 2011	4			4	2 years, 6 months	5 years restraining order	
M00914 2011	2			2		Cannot view file - OIC DC279 Allen-le-Bas	
M03366 2011	1			1		Undetected - suspect in UK	
M09527 2011	1			1		Undetected - no suspect	
M06456 2011	1			1	6 years	Notification order for 5 years	8 years Sex Offenders Register
M02857 2011	1			1		Undetected - no evidence	
M04117 2012		24		24	8 years	10 years restraining order	10 years Sex Offenders Register
M11426 2012		1	12	13		Probation order for 18 months	100 hours community service
M06863 2012		10		10	2 years	Deportation on release	
M02161 2012		7		7	3 years	Notification order for 5 years	
M12194 2012		7		7	3 years, 8 months	Notification order for 5 years	
M11618 2012		5		5	5 years	10 years restraining order	10 years Sex Offenders Register
M07400 2012		5		5	2 years	5 years restraining order	5 years Sex Offenders Register
M11086 2012		4		4	1 year	Remanded for Royal Court	
M06872 2012		4		4		Suspect left Island	
M02936 2012		3		3	2 years	5 years Sex Offenders Register	
M03278 2012		1	2	3	3 years	Notification order for 5 years	
M14646 2012		2		2		Undetected - enquiries ongoing	
M04492 2012		2		2		Undetected - suspect in UK prison on related offences	
M01412 2012		2		2	4 years	Notification order for 5 years	
M11045 2012		1		1		Undetected - enquiries ongoing	
M06229 2013			8	8		Probation order for 3 years	180 hours community service
M03058 2013			4	4		Remanded for Royal Court	
M00669 2013			1	1		Undetected - suspect in UK detained on mental health grounds	
M05794 2013			1	1		Undetected - enquiries ongoing	
M13224 2013			1	1		Undetected - enquiries ongoing	
M12323 2013			1	1		Remanded for Royal Court	
Total no. of incident files	**27**	**78**	**30**	**135**			

Source: States of Jersey Police (February 2014).